

Applicants have elected, Group I, Claims 1-3, directed to a culture medium, with traverse.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the examiner if restriction is not required. (MPEP 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (MPEP 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has not categorized the relationship between the inventions of Groups I and II. Rather than categorize the relationship, the Examiner has merely asserted that the two groups are unrelated arguing that they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects, citing MPEP § 806.04 and MPEP § 806.01. In the present case, it is argued that the two inventions are a medium and chitin, which are clearly diverse.

However, the Examiner has merely provided a restatement of his conclusions that the two groups are patentably distinct and accordingly has not met the burden placed upon the Examiner and accordingly the restriction is believed to be improper and should be withdrawn.

PRELIMINARY AMENDMENT

Claim 1 (original): An insect cell primary culture medium, comprising lactalbumin hydrolysate, yeastolate, and tryptose phosphate broth as protein extracts, and polyvinylpyrrolidone as a viscosity-supplementing agent.

Claim 2 (original): An insect cell primary culture medium according to claim 1, comprising 1000-3000 mg/L of lactalbumin hydrolysate, 1000-3000 mg/L of yeastolate, 1000-3000 mg/L of tryptose phosphate broth, and 200-500 mg/L of polyvinylpyrrolidone.

Claim 3 (original): An insect cell primary culture medium according to claim 1 or 2, wherein the polyvinylpyrrolidone is polyvinylpyrrolidone K-90.

Claim 4 (canceled)

Claim 5 (canceled)

Claim 6 (canceled)

Claim 7 (canceled)

Claim 8 (canceled)

Claim 9 (canceled)

Claim 10 (canceled)

Claim 11 (currently amended): A process of preparing an insect culture cell line in a short period of time, which comprises using the insect primary culture medium according to any one of Claims 1-3, and the insect-derived water-soluble chitin according to any one of ~~Claims 4-6~~ 1 or 2.

Claim 12 (new) A process of preparing an insect culture cell line in a short period of time, which comprises using the insect primary culture medium according to Claim 3.

SUPPORT FOR THE AMENDMENT

Support for the amendment to Claim 11 is found in Claim 1 as originally presented.

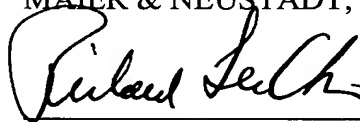
Support for claim 12 is found in claims 1 and 11 as originally presented. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, Claims 1-3 and 11-12 will now be active in this application.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

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